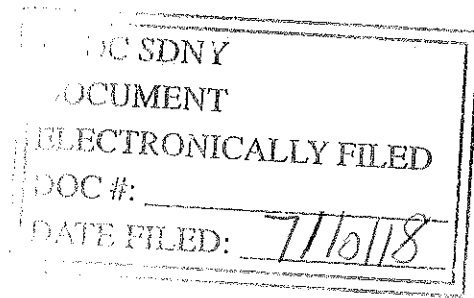


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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Steven Tilchen,

Plaintiff,

- against -

CEMD Elevator Corp. d/b/a City Elevator, et al.,

Defendants.
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17 Civ. 00051 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiff's motion (Docket 74 filed on April 18, 2018) for leave to file a Second Amended Complaint, is denied. The motion is untimely; discovery has already concluded. Furthermore, it appears that the proposed additional materials fail to state a claim. It is axiomatic that a contract's validity depends on the alleged agreement between the parties being specific enough to ascertain the parties' intention with reasonable certainty. Additionally, a writing may be necessary—and there is none—to comply with New York law.

Finally, allowing amendment now would be highly prejudicial. Since Plaintiff knew at all times of his bargaining with his employers, Plaintiff must bear the responsibility for failing to state his full claim at an earlier time, rather than dribbling it out over an extended period.

The Clerk of the Court is directed to close the pending motion at ECF #74.

Dated: New York, New York
July 10, 2018

(S. Dis. 10/18)

SO ORDERED



PAUL A. CROTTY
United States District Judge